

**TOWN OF HAMILTON  
Board of Selectmen  
and Hamilton Wenham Recreation Committee  
MAY 19, 2014**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, May 19, 2014 with Scott Maddern, Marc Johnson, Jeff Hubbard, David Neill and Jennifer Scuteri present. Town Manager Michael Lombardo, Fire Chief Phil Stevens, Finance Director Deborah Nippes-Mena, Recreation Director Sean Timmons and some of the HW Recreation Committee members: John Cusolito, Chair, Denis Curran, Mary Buntin and Steve Ozahowski also present.

**Call to order**

Scott Maddern called the meeting to order at 7:00 p.m.

**Public Comment**

None.

**Town Manager's report**

Town Manager Michael Lombardo described possible Boy Scout community-based project cultivating garden plot at Patton Estate. Also, that contract negotiation is underway for HWRSD teachers, and collective bargaining is about to begin for two AFSCME unions where an executive session will be held on this matter at the next Selectmen's meeting.

In addition, he and DPW Director Bill Redford met with their counterparts in Manchester By-the Sea to discuss exploring options for the Town to connect water services with that community. There is a delay due to missing safe yield study report associated with DEP. Manchester will be commissioning another safe yield study to gather data so Hamilton Board of Selectmen acting as Water Board can determine if this is an option it would consider. The Town is currently drawing water from a distressed water basin so having another resource outside of Ipswich River watershed would be positive.

**Chairman/Selectmen reports**

David Neill spoke about old cars on display during recent merchant event. Both he and Jeff Hubbard mentioned that they had attended the annual Police Memorial event. Hubbard noted segment done by Fox News on Hamilton Fire Department that will be available on Facebook. Jennifer Scuteri described article in The Boston Globe magazine that highlighted Hamilton as the number one community due to highest increase in property values. She also mentioned that the Memorial Day weekend is filled with events. Marc Johnson spoke to compost available for resident use that is located behind Town Hall. Scott Maddern summarized meeting with Lombardo and HDC Chair Brian Stein about consideration of benches and flowers for downtown. Also, HWRSD is rolling out a Master Plan, and CIP is being addressed.

**PUBLIC HEARING**

**Pole Hearing** – After a period of public comment, the Board of Selectmen will announce its decision, regarding the installation of two (2), 4 inch conduits in concrete from P2225 to the property at 321 Sagamore Street. National Grid will install, beginning at a point approximately 2148 feet Northeast of the centerline intersection of Blueberry Lane and continuing approximately 1830 feet in an easterly direction.

Maddern summarized hearing process. Peter Glenn presented for National Grid seeking permission for the installation of conduits associated with three houses under construction to provide electricity. There was no public comment. In response to Johnson and Scuteri, Glenn said there would be no cost to the Town to resurface the street, and that this is an existing pole with conduit; it is not a double pole. The expected time to complete the trenching work is two days. National Grid will work with the public works department on maintenance requirements associated with street opening and any repairs needed after installation.

Discussion addressed how conduit is installed 30 inches below the surface so this would not prevent a future sidewalk being constructed in the area. Also reiterated was the Town's interest in eliminating double utility poles. Glenn said he would email his supervisor about the result of the public hearing and would note the Selectmen's concern about double poles.

Johnson moved that National Grid be granted permission to excavate the public highways and to run and maintain underground electric conduits and to make necessary house connections as detailed in Plan #14939298 marked Sagamore Street,

Hamilton MA, specifically the installation of two (2), 4 inch conduits in concrete from P2225 to the property at 321 Sagamore Street. National Grid will install, beginning at a point approximately 2148 feet Northeast of the centerline intersection of Blueberry Lane and continuing approximately 1830 feet in an easterly direction and will repair after installation. Hubbard seconded motion. VOTE: Unanimous.

## **PUBLIC HEARING**

After a period of public comment, the Board of Selectmen, as licensing authority, will consider approving an **amended flammables license for Cumberland Farms, Inc. at 121 Bay Road**, in connection with the redevelopment proposal currently before the ZBA. In accordance with Section 13 of M.G.L. c. 148 the requested amended license would enable the underground storage of total of 40,000 gallons of flammable liquids at the site. The application seeks approval of two 20,000 gallon underground storage tanks. Each tank has a 12,000 gallon and an 8,000 gallon compartment. One tank will house 20,000 gallons of flammable liquid (gasoline) and the second tank will house 12,000 gallons of flammable liquid (gasoline) in one compartment and 8,000 gallons of combustible liquid (diesel) in the other. The location of the underground tanks will match the plan to be approved by the Zoning Board of Appeals. The site currently houses two 12,000 gallon tanks for flammable liquid (gasoline), a total of 24,000 gallons. There is no combustible liquid (diesel) currently stored at the site. Attorney John T. Smolak will address questions of the Board and the public.

Maddern opened continued public hearing. Discussion ensued with Board, abutter Steve Boudreau who owns 161 Bay Road building, Attorney Smolak and Matt Lydon, civil engineer, about proposed changes in fuel storage tanks at the site based on safety issues, to improve tanker truck offloading and to reduce impact on vehicle traffic entering and exiting the site. Larger storage capacity would allow fewer deliveries per week (i.e., 2 per week are anticipated) which reduces potential impact of truck traffic relative to residential use on abutting property. Smolak noted that state of the art, double-walled tanks proposed for the site have separate compartments for consistent pumping of gas, have leak detection capabilities, and fumes are captured.

Discussion addressed if any spills occurred on concrete pad, the Fire Department would be notified of any reportable incidents and DEP monitors this as well. Fire Chief Phil Stevens stated that the proposed plan was safer than what is currently at the site. Also addressed was how the ZBA would set hours of operation when fuel deliveries would occur during business hours. Johnson offered to correspond with ZBA about conditions relative to tanker offloading hours. In addition, Cumberland Farms is working with the

Hamilton Police Department to move curb cuts that would better define access and egress to site and create less disruption to traffic flow, both vehicular and pedestrian, in area. The expected increase in traffic is being studied and reviewed by Planning Board and ZBA. Other changes that will occur at the site are increase in number of self-service fuel pumps and addition of a convenience store. Both Neill and Hubbard expressed interest in Town working with neighbors during the site review process.

Neill moved that the Board of Selectmen in accordance with Section 13 of M.G.L. c. 148 amend Cumberland Farms license to store flammable liquids in two 20,000 gallon underground storage tanks and each tank has a 12,000 gallon and an 8,000 gallon compartment. One tank will house 20,000 gallons of flammable liquid (gasoline) and the second tank will house 12,000 gallons of flammable liquid (gasoline) in one compartment and 8,000 gallons of combustible liquid (diesel) in the other. The location of the underground tanks will match the plan to be approved by the Zoning Board of Appeals. Hubbard seconded the motion. VOTE: Unanimous.

## CONSENT AGENDA

Maddern read items on Consent Agenda.

- Sign **BANs** for Water Distribution Replacement System and Landfill Capping totaling \$5,331,000.
- Water Bill Abatement – #99 Essex Street due to leak in meter pit, servicing two addresses.
- **H-W Friends of the Arts** requests permission to use the Town roads for their Annual 5K Melody Miles Race.
- **Resignation:** Emily Cook will resign from the Board of the COA, effective May 31, 2014.
- **Approve Minutes** for Regular Session – April 14, 2014; Regular Session – April 28, 2014; Regular Session – May 5, 2014; Working Session – May 12, 2014.

The BANs vote was moved to a separate agenda item. Maddern entertained a motion to accept the amended Consent Agenda as read. Johnson so moved. Hubbard seconded the motion. VOTE: Unanimous.

## AGENDA

Sign **BANs** for Water Distribution Replacement System and Landfill Capping totaling \$5,331,000.

Finance Director Deborah Nippes-Mena explained that Town had received AAA rating from Standard & Poor's. BANs have been sold for \$5,331,000 to support ongoing water distribution replacement system and landfill capping. Eastern Bank was awarded the transaction for the short term money with an annual net interest payment of \$5,000.

Scuteri as Clerk of the Board moved that the Board of Selectmen of the Town of Hamilton approve the sale of the \$5,331,000 1.00 percent General Obligation Bond Anticipation Notes (the "Notes") of the Town dated May 23, 2014, and payable May 22, 2015, to Eastern Bank at par and accrued interest, if any, plus a premium of \$45,400.28.

Further that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated May 8, 2014, and a final Official Statement dated May 14, 2014, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Moved further that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Moved further that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Notes.

Moved further that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

Neill seconded the motion. Discussion ensued about total projected cost for landfill closing being \$1.4 million and \$5 million for water distribution. The borrowing authorization for the landfill was \$2 million. Also, bonding surplus from the library will be used for the landfill project. In addition, a lot more scrap tires were found in the landfill than were expected so this is another cost for proper disposal. The capping

work is expected to be completed in fall with additional seeding next spring. VOTE: Unanimous.

**Joint BOS and H-W Recreation Board – Discuss current status of the Pool Project, engaging Wenham BOS**

John Cusolito called the H-W Recreation Board meeting held jointly with Hamilton Board of Selectmen to order at 8:00 p.m. The objective of the meeting is to consider direction for Patton Park pool and for the Recreation Board to engage Wenham Board of Selectmen after this meeting.

Maddern summarized how there were high bids received for pool project and previous Town meeting vote effecting how Town considers moving forward. Considerations are relative to future need for a Special Town Meeting on the matter possibly in July or August, how the Town does not want to go more than one season without a Town pool, and that there is interest in a financially driven, multi-generational pool project.

Denis Curran opined about work done by Weston & Sampson and noted that moving forward a municipal pool has to be self-sustaining for 15 to 20 years, and how Mass. procurement laws restrict value engineering on the project.

Recreation Director Sean Timmons spoke to pool revenue stream including family pool passes, swim team, open swim, and swim lessons and how this does not cover the costs of operating the pool by \$10,000 to \$15,000. This deficit is offset with revenue from the Patton Park program. The annual cost to sustain the pool is \$25,000 to \$30,000. If a new pool were built that is the same size as the existing pool the expenses would be similar. Mary Buntin said a new pool should serve a broader group of swimmers and increase revenue generated.

Discussion ensued about the employee expense (i.e., lifeguards) as well as the cost of chemicals and how maintenance component has become more costly in the last few years (i.e., \$6,000 to \$8,000) preventing ability for Recreation Department to have financial reserves for pool. Weston & Sampson presentation does include projected costs for a multi-user pool. Also, with a new pool the hours of operation would be extended from 9 to 13 weeks and include longer daily hours, so the revenue would go up due to increase in pool pass price and it is likely more passes would be sold as well as more programming would be done.

Discussion addressed if the municipality wanted to have a new pool open in time for 2015 swimming season then a Special Town Meeting would have to be held this summer to have Town Meeting voters approve the project, get RFP out to bidders, get bids in as well as start and complete construction.

Also discussed was Community Preservation Committees in Hamilton and Wenham and interest in working with Selectmen in both towns to move forward positively on project and that joint meeting could be scheduled for CPCs and for BOS in both communities. Hubbard summarized how two attempts to get the project going have proved too expensive and he suggested that the two town CPCs could come to agreement on a dollar amount that is fiscally realistic. Lombardo explained that bids to date were based on full build out including the bathhouse and septic system. If the bathhouse load were modified this could yield savings. Exploration is being done with two engineers giving consideration to modifying the existing bathhouse so it would be cost less than \$700,000. The next bid would be done modularly with pick and choose components to yield a base bid that is less than \$2 million depending upon market and price of materials.

Discussion ensued about sustainability relative to operational numbers and that multi-generational pool could return \$25,000 in profit to the Hamilton CPC annually plus generate additional revenue that could be set aside for future maintenance. The lap pool would run at a deficit with no return to the CPC or a set aside for future maintenance. Cusolito suggested the CPCs be given assurances on revenue payback. Steve Ozahowski spoke to residents in both towns expecting a certain quality of life and pool is part of park program. He added that the pool is appealing to residents as confirmation that these communities are good places to live and he reiterated importance of zero entry and new bathhouse.

Neill suggested that the joint Recreation agreement with Hamilton and Wenham should include the pool. Also, he expressed concern about viewing CPA funding as an ironclad source. He added that efforts should be redoubled for a fall STM and spoke to importance of finding out a number from the two communities that they would be willing to pay for a new pool. Lombardo described how funding is not available for re-engineering the project and putting it out to bid so funding for these purposes would be sought at Town Meeting.

Scuteri addressed the community interest in a pool, the motion to finance pool losing by two votes in Hamilton, and how a simple majority vote would be required if only CPA funds rather than additional bonding were used. Johnson concurred on including pool

in joint Recreation agreement, importance of pool as dynamic asset for both communities, CPA funding and Registry of Deeds transaction for state match of funds, and fixed financing that could be difficult to do beyond concept plan.

Curran concurred that the communities need to define the highest financial point they can go for this project and noted that \$150,000 has already been spent for preliminary work. Maddern summarized details on Hamilton Selectmen goal related to pool as new affordable alternatives, not financed with Hamilton debt, a sustainable operation, built in time for 2015 season, and Wenham contribution with specific agreement about capital related to pool.

Discussion addressed how aggressive the municipalities should be to get a pool warrant article to a Special Town Meeting in July or August with the goal for a completed pool ready for 2015 season. Timmons is seeking alternatives for pool use by residents for this upcoming season emphasizing the need for focus for a new pool by 2015. Maddern stated that a financial number for a new pool has to be discussed.

Hubbard summarized that there is a small younger family group of users of the pool, that the community is not comfortable with \$2 million cost for a new pool, turf field would have a broader user base, other projects need attention (i.e., tennis courts at Patton Park, gym floor at Recreation Center, and bathrooms at Patton Park), that no debt should be incurred to finance pool, and community pool has to serve Hamilton and Wenham not people from other communities. He said feedback from community is that there is interest in a new pool with a cost that should be kept below \$1.5 million.

Discussion addressed how some Town officials thought the voters should decide the dollar amount and that \$2.2 to \$2.3 million could be a comfortable price point for some voters. Cusolito reiterated the need for a joint CPC meeting to understand if the commitment is there to fund a new pool without debt but with CPA funds. Scuteri emphasized the importance of compromise across the communities to arrive at a solution to build a new pool.

Maddern concurred with idea of scheduling a joint CPC meeting with Hamilton and Wenham, followed by a meeting with members of Board of Selectmen, Recreation Committee and Wenham Selectmen to summarize results of tonight's meeting. Also noted is that 30 to 45 days is needed for planning prior to a Special Town Meeting to prepare for a warrant article on the pool.



William Dery, Chebacco Road, opined that the process should move ahead slowly, he concurred with getting agreement on a pool project with Wenham, that a not to exceed number should be defined with CPC, suggested a schematic design should be done, he has ideas to save money, and a pool could be built during the winter.

The HW Recreation Board adjourned its meeting at 9:00 p.m.

**15 Walnut** – Consideration of a request to endorse a Form 43 to change hours of operation for its liquor license to 10:30 a.m. on Sundays

Johnson moved that the Board of Selectmen approve Indigo Restaurant Corp. dba 15 Walnut's request for a change of hours of operation to allow liquor service to begin at 10:30 a.m. on Sundays and endorse the formal Form 43 application to be forwarded to the ABCC. Neill seconded the motion. Discussion ensued about how the restaurant is already operating at 10:30 a.m. on Sundays but is not serving alcohol at that time. There was no specific abutter notification and agenda was posted. Lombardo noted that the last complaint about this establishment was received two years ago, it was dealt with quickly, and there have been no further complaints. VOTE: Unanimous.

**Patton Homestead** – Consideration of a request of Carol Mori, Archivist of the Patton papers to promote use of documents among researchers and to expand hours

Mori is suggesting for Wednesdays in July from 10 a.m. to 1 p.m. up to 10 people could schedule ahead of time to view archives and walk through libraries. The Homestead is currently not open to the public. If this proposal is successful it could possibly be a mechanism to raise funds for the Homestead.

Neill moved for the Selectmen to give consideration to Carol Mori's request. Johnson seconded the motion. Discussion ensued about how preference would be given to residents first, followed by general public, for 10 one-hour slots for each tour. Mori's time is paid for by Gordon College. VOTE: Unanimous.

**Collins Center Report** – Discuss recommendation to determine general direction, engaging Wenham & HWRSD

Johnson summarized recommendations in report for HWRSD and two towns such as consolidating the following: facilities maintenance (there is a major cost \$200,000 since more staff would be needed – 4 to 7 FTEs), fleet maintenance, grounds maintenance including cemeteries, streets and parks, and yards of fueling station, and procurement.

Also, suggested was to combine water departments which would be challenging since the two towns handle water differently.

He noted that other recommendations offered opportunities for efficiencies and harmonizing the staff. Cost controls over jobs would be done with job ticketing system. The intent is to create a base for further infrastructure and operational improvements. The report stated the preferred method as an all public works related department with one manager for HWRSD and the two towns with its own infrastructure. This was not considered politically attractive due to its own budget raising and taxing authority, and that it would have to be achieved with state legislation. One suggestion was division of responsibility such as one town running facilities and the other grounds.

Lombardo described how the report suggested creation of a quasi-government agency that would require a Special Act of the Legislature. The Collins Center never provided the benefits of this entity that has many challenges but suggested it could be done in pieces. He added that \$90,000 Challenge Implementation grant received will provide handheld devices in the field for work orders, and to explore consolidation of facilities and grounds maintenance. He noted that consolidating yards and fueling could provide a benefit that should be investigated. It would take time to get these changes going.

Discussion ensued about Hamilton administering grant funds through an implementation plan. HWRSD administration is concerned that there is not enough staff to carry out report recommendations. Lombardo said this is not about saving money it is about efficiencies. Johnson said Wenham is willing to do a staffing plan for facilities and draft budget. Grant money may be used to pay a consultant to develop this staffing plan. The HWRSD has to maintain facilities based on commitment to MSBA.

Hubbard opined that it makes the most sense for one entity to manage maintenance and this would likely be one of the municipalities versus HWRSD. The two towns could individually provide services and charge the other entities for these services. However, there are legal considerations associated with employees (i.e., who pays pension benefits). Discussion addressed how consolidation in these categories would save employee work hours that would be applied toward facilities maintenance. Maddern will ask Wenham if it has made any progress creating a plan where tasks are merged across all of the entities or one of them.

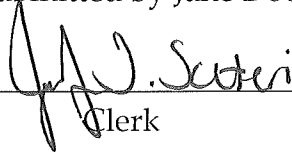
**Capital Improvement Plan** – Discuss progress on development

A short series of CIP sessions are scheduled with Board for Tuesday nights including tomorrow to rank prioritization and characterize projects using a scoring matrix. The meeting is at 6:30 p.m. at Town Hall with the Finance Committee. Discussion ensued about matrix developed with staff input that will be characterized and prioritized within a five-year period.

Maddern entertained a motion at 9:36 p.m. to adjourn. Johnson so moved. Hubbard seconded motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: \_\_\_\_\_

  
Clerk





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## MEMORANDUM

TO: Michael Lombardo, Town Manager  
FROM: Bill Redford, DPW Director *WR*  
DATE: May 14, 2014  
SUBJECT: Recommendation for partial Water Bill abatement - #99 Essex Street

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During the billing process last month, it was noted that #99 Essex Street registered a significant increase in water usage (16 times their seasonal average). Upon inspection by the water crew, it was found that there was a leak in the meter pit of #89 Essex adjacent to the meter but not registered by the meter. The owner at #89 Essex, after being told of the leak, immediately hired a plumber and repaired the leak.

The water service to #89 and #99 is a single common 2 inch line (see attached sketch). Number 89 Essex is billed based on the readings/usage of meter 'B'. Number 99 is billed based on the readings/usage of meter 'A' less the readings/usage of meter 'B'.

The usage due to the leak would normally be attributed to #89 Essex and if registered by their meter ('B'), the typical abatement process/policy could be followed. Based on the location of the leak, #89 Essex would be liable but due to the compound meter method of determining usage, #99 Essex was assessed the charges.

Number 89 Essex Street's typical May billing usage is about 11,000 gals which was the amount on their May 2014 bill.

Number 99 Essex Street's average from past May billings is about 46,000 gals but were billed 742,000 gals on their May 2014 bill.

I recommend that the McGrath's (#99 Essex), May 2014 Water Bill of \$6,832.00 be abated by \$6,568.00 leaving a balance due of \$264.00 (equivalent to a usage of 46,000 gals).

Please advise if further clarification or data is needed.

# CONDUIT (POLE) HEARING



Sketch to Accompany Petition for the Installation of 2 4" Conduits in Concrete from P#2225 to the Property of 321 Sagamore Street, Hamilton, MA 01984.

## JOINT OWNED POLE PETITION

**Massachusetts Electric**

A National Grid Company



- ☒ Proposed Pole Locations
- ☒ Existing Pole Location To Be Made J.O.
- ☐ Existing Electric Co. Pole Locations
- ☐ Existing Telephone Co. Pole Locations
- ☐ Existing Joint Pole Locations
- ☒ Existing Pole Locations To Be Abandoned

Date: April 24, 2014

Plan Number: 14939298

To Accompany Petition Dated: 04/24/2014

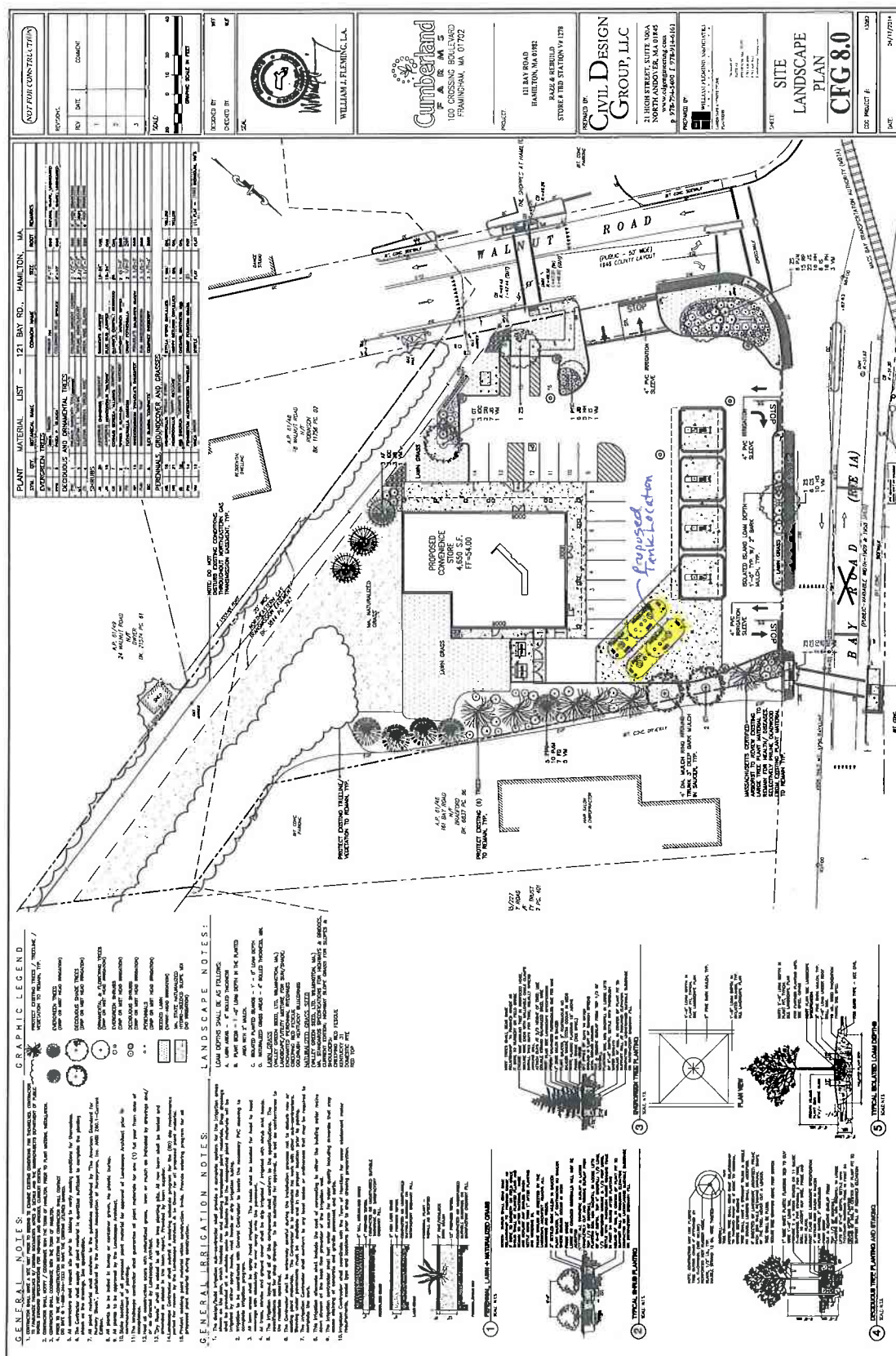
To The: Town Of Hamilton

For Proposed: J Pole: Location: 321 Sagamore Street

Date Of Original Grant:

DISTANCES ARE APPROXIMATE

# CUMBERLAND FARMS AMENDED LICENSE HEARING





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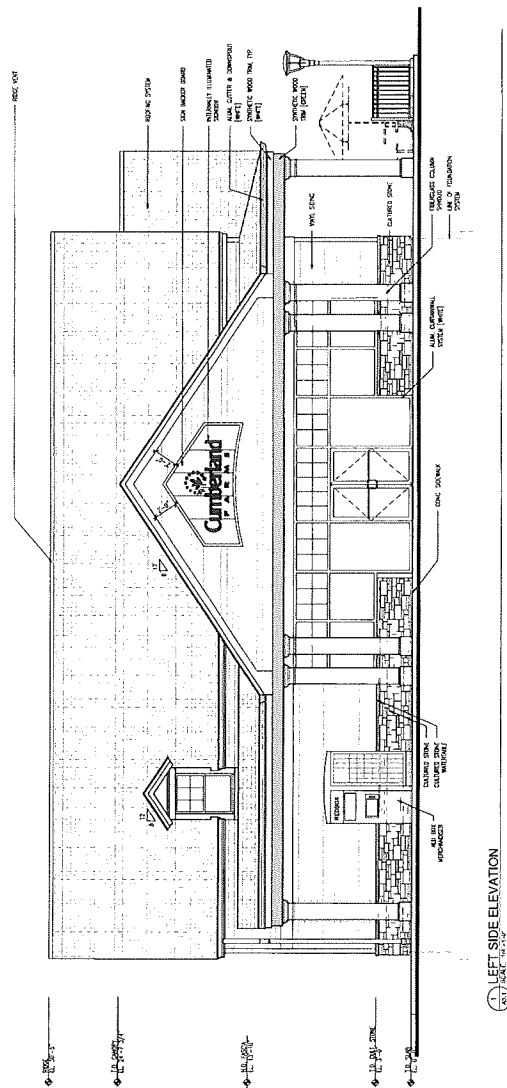
4 EXTERIOR FINISH SCHEDULE

**FRONT WALL SIGNAGE SPECIFICATION**



3 FRONT WALL SIGNAGE DETAIL

2 RIGHT SIDE ELEVATION



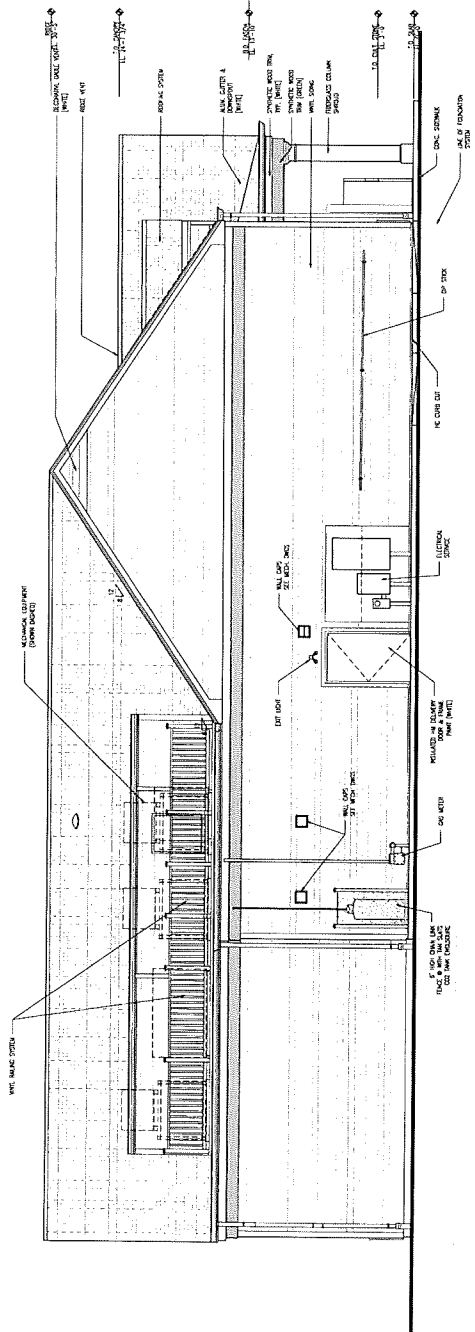
1 LEFT SIDE ELEVATION

**EXTERIOR  
ELEVATIONS**

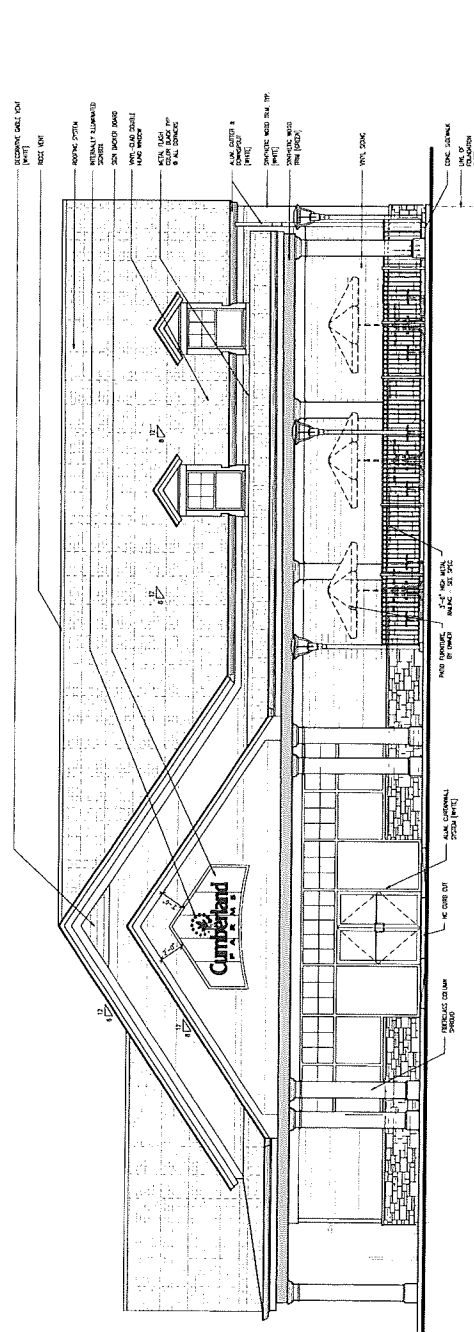
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Pope's No.



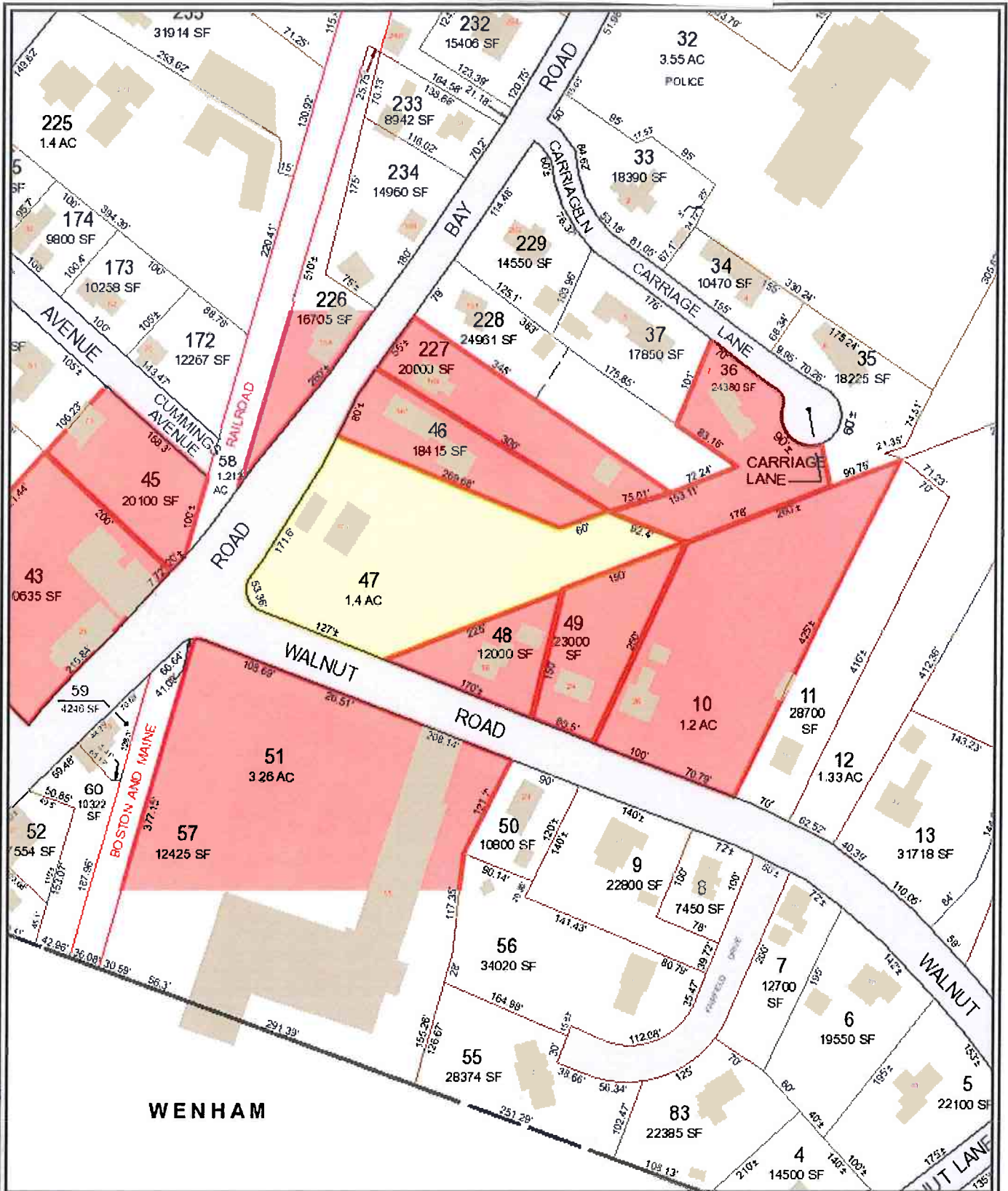


1 REAR ELEVATION



1 FRONT ELEVATION

# CUMBERLAND FARMS HEARING DIRECT ABUTTERS



WENHAM

61-47  
Hamilton, MA  
1 Inch = 152 Feet  
April 11, 2014



www.cai-tech.com

CAI Technologies

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

